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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/738,430	12/17/2003	Yi Yen Lin	10113501	8187

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QUINTERO LAW OFFICE, PC
2210 MAIN STREET, SUITE 200
SANTA MONICA, CA 90405

EXAMINER

BALAOING, ARIEL A

ART UNIT	PAPER NUMBER
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2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/738,430

Applicant(s)

LIN, YI YEN

Examiner

Ariel Balaoing

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see the remarks, filed 10/25/2006, with respect to the rejection(s) of claim(s) 1 and 10 under 35 U.S.C. 102 (e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of SAKAGUCHI et al (US 2002/0094841 A1) in view of LEARMONTH et al (US 6,075,706).

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-4, 6-11, 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al (US 2002/0094841 A1) in view of LEARMONTH et al (US 6,075,706).

Regarding claim 1, SAKAGUCHI discloses a mobile phone with a SIM card holder (Figure 1a; abstract) comprising: a body including a first concave portion and a second concave portion (Figure 1b; paragraph 27); a holder disposed in the first concave portion of the body the holder movable between a first position overlapping the second concave portion and a second position (3, 4-Figure 1a, 1b; paragraph 27-29); and a SIM card removably disposable in the second concave portion of the body (1-Figure 1a, 1b; abstract), wherein the SIM card is abutted by the holder so that the holder is moved to the second position from the first position during the disposition of the SIM card is disposed in the second concave (abstract; paragraph 27-29), and the

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holder returns from the second position to the first position so as to fix the SIM card in the second concave portion when the SIM card is located in the second concave portion (abstract; paragraph 27-29). However, SAKAGUCHI does not disclose a sliding holder slidable between a first position overlapping a concave portion and a second position not overlapping a concave portion. In the same field of the endeavor, LEARMONTH discloses a sliding holder **26, 326** slidable between a first position overlapping a concave portion and a second position not overlapping a concave portion (Figures 1, 2, 10; col. 1, line 29-58; col. 3, line 49-col. 4, line 9; col. 5, line 36-41). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SAKAGUCHI to include the latching SIM card holder of LEARMONTH, since the use of a slidable cover used to hold components within portable electronics is well known and conventional in the art. Furthermore, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art.

See Nerwin v. Erlichman, 168 USPQ 177, 179.

Regarding claim 2, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first contact in the second concave portion (2-Figure 1a; abstract), and the SIM card includes a second contact corresponding to the first contact (abstract), whereby the SIM card is electrically connected to the body by the second contact contacting the first contact (abstract).

Regarding claim 3, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the first

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contact is an elastic member (2-Figure 1a; abstract), and the SIM card is ejected from the second concave portion by the first contact when the holder is moved to the second position from the first position (abstract; paragraph 26-29; SIM card is elastically held to second concave by the holder, and can be released by moving the holder. The elastic contacts provided for the SIM card will inherently eject the card from the holder when pressure is relieved.).

Regarding claim 4, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the depth of the first concave portion is shallower than that of the second concave portion (Figure 1a; 1b; First concave portion is shallower than the second with respect to the mobile devices body).

Regarding claim 6, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion, and the holder includes an elastic portion corresponding to the abutting surface, whereby the holder is disposed in the first concave portion of the body in a moveable manner by the elastic portion abutting the abutting surface (paragraph 29-31; Figure 3c).

Regarding claim 7, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface opposite to a surface formed with the elastic portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 8, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface, and the inclined surface is abutted by the SIM card during the disposition of the SIM card in the second concave portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 9, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes a release hole to assist in the movement of the holder (paragraph 29).

Regarding claim 10, SAKAGUCHI discloses a mobile phone with a SIM card holder (Figure 1a; abstract) comprising: a body (Figure 1a, 1b); a holder disposed on the body, the holder movable between a first position and a second position (3, 4-Figure 1a, 1b; paragraph 27-29); and a SIM card removably disposed on the body (1-Figure 1a, 1b; abstract), wherein the SIM card is abutted by the holder so that the holder is moved to the second position from the first position when the SIM card is disposed on the body (abstract; paragraph 27-29), and the holder returns from the second position to the first position to overlap the SIM card so as to fix the SIM card on the body when the SIM card is located on the body (abstract; paragraph 27-29). However, SAKAGUCHI does not disclose a sliding holder slidable between a first position overlapping a concave portion and a second position not overlapping a concave portion. In the same field of the endeavor, LEARMONTH discloses a sliding holder **26, 326** slidable between a first position overlapping a concave portion and a second position not overlapping a concave portion (Figures 1, 2, 10; col. 1, line 29-58; col. 3, line 49-col. 4, line 9; col. 5,

line 36-41). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify SAKAGUCHI to include the latching SIM card holder of LEARMONTH, since the use of a slidable cover used to hold components within portable electronics is well known and conventional in the art. Furthermore, it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. See *Nerwin v. Erlichman*, 168 USPQ 177, 179.

Regarding claim 11, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first concave portion, and the holder is disposed therein (Figure 1a, 1b; paragraph 27-29).

Regarding claim 13, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a second concave portion for receiving the SIM card to dispose therein, and the depth of the first concave portion is shallower than that of the second concave portion (Figure 1a; 1b; paragraph 26-29; First concave portion is shallower than the second with respect to the mobile devices body).

Regarding claim 14, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes a first contact in the second concave portion, and the SIM card includes a second contact corresponding to the first contact, whereby the SIM card is electrically connected to the body by the second contact contacting the first contact (2-Figure 1a; abstract).

Regarding claim 15, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the first contact is an elastic member, and the SIM card is ejected from the second concave portion by the first contact when the holder is moved to the second position from the first position (abstract; paragraph 26-29; SIM card is elastically held to second concave by the holder, and can be released by moving the holder. The elastic contacts provided for the SIM card will inherently eject the card from the holder when pressure is relieved).

Regarding claim 16, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion, and the holder includes an elastic portion corresponding to the abutting surface, whereby the holder is disposed in the first concave portion of the body in a moveable manner by the elastic portion abutting the abutting surface (paragraph 29-31; Figure 3c).

Regarding claim 17, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface opposite to a surface formed with the elastic portion (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 18, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes an inclined surface, and the inclined surface is abutted by the SIM card when

the SIM is disposed on the body from the outside (paragraph 29-31; Figure 3c; inclined surface provides pressure on the sim).

Regarding claim 19, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the holder includes a release hole to assist in the movement of the holder (paragraph 29).

4. Claims 5 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al (US 2002/0094841 A1) in view of LEARMONTH et al (US 6,075,706), and in further view of KAO et al (US 2003/0227763 A1).

Regarding claims 5 and 12, see the rejections of the parent claims concerning the subject matter these claims are dependent upon. However, the combination of SKAGUCHI and LEARMONTH does not disclose wherein the first concave portion is formed with a hole and the holder includes a protrusion corresponding to the hole, whereby the holder is fixed in the first concave portion by inserting the protrusion into the hole. KAO discloses wherein the first concave portion is formed with a hole and the holder includes a protrusion corresponding to the hole, whereby the holder is fixed in the first concave portion by inserting the protrusion into the hole (abstract; figure 6).

Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SKAGUCHI and LEARMONTH to include a means for attaching the holder to the first concave portion using a hole and protrusion, as taught by KAO, since provides a method for securing a IC card that is well known in the art.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over SAKAGUCHI et al (US 2002/0094841 A1) in view of LEARMONTH et al (US 6,075,706) and in further view of ITO (EP 0 947 944 A2).

Regarding claim 20, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface portion (Figure 1a), and the holder includes an elastic member corresponding to the abutting surface (4-Figure 1a; paragraph 27-29; holder is abutted to the second concave portion), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 27-29; holder is compressed during second position, corresponding to removal, insertion of SIM card), and the elastic force from the compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 27-29; when released, holder applies pressure to the SIM card and contacts). However, the combination of SAKAGUCHI and LEARMONTH does not disclose wherein the abutting surface is between the first concave portion and the second concave portion. ITO discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion (Figure 1; paragraph 17-19), and the holder includes an elastic member corresponding to the abutting surface (leaf spring; abstract; paragraph 20-21), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 20-21), and the elastic force from the compressed elastic member returns

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the holder from the second position to the first position when the holder is released while in the second position (paragraph 20-21; cover slides and locks, when released the cover is forced into second position via the leaf spring elasticity). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SAKAGUCHI and LEARMONTH to include the latching SIM card holder of ITO, as both inventions relate to the field of the endeavor of SIM card holder design. This is beneficial in that providing a slidable latching hinge provides greater strength and stiffness against the SIM card and contacts (paragraph 3 and 4).

Regarding claim 21, see the rejections of the parent claim concerning the subject matter this claim is dependent upon. SAKAGUCHI further discloses wherein the body includes an abutting surface portion (Figure 1a), and the holder includes an elastic portion corresponding to the abutting surface (4-Figure 1a; paragraph 27-29; holder is abutted to the second concave portion), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 27-29; holder is compressed during second position, corresponding to removal, insertion of SIM card), and the elastic force from the compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 27-29; when released, holder applies pressure to the SIM card and contacts). However, the combination of SAKAGUCHI and LEARMONTH does not disclose wherein the abutting surface is between the first concave portion and the second concave portion. ITO

discloses wherein the body includes an abutting surface between the first concave portion and the second concave portion (Figure 1; paragraph 17-19), and the holder includes an elastic member corresponding to the abutting surface (leaf spring; abstract; paragraph 20-21), wherein the elastic member is compressed against the abutting surface by movement of the holder from the first position to the second position (paragraph 20-21), and the elastic force from the compressed elastic member returns the holder from the second position to the first position when the holder is released while in the second position (paragraph 20-21; cover slides and locks, when released the cover is forced into second position via the leaf spring elasticity). Therefore it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the combination of SAKAGUCHI and LEARMONTH to include the latching SIM card holder of ITO, as both inventions relate to the field of the endeavor of SIM card holder design. This is beneficial in that providing a slidable latching hinge provides greater strength and stiffness against the SIM card and contacts (paragraph 3 and 4).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ariel Balaoing whose telephone number is (571) 272-7317. The examiner can normally be reached on Monday-Friday from 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Ariel Balasing – Art Unit 2617

AB 1/2/7

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SUPERVISORY PRIMARY EXAMINER